

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, 8-30, and 32 are currently pending.

Claims 8, 17, 23, and 32 are independent and are hereby amended.

No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. REJECTIONS UNDER 35 U.S.C. §103

Claims 8, 3, 4, 9-13, 17, 19, 23-27 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Pat. No. 7,013,477 to Nakamura et al. ("Nakamura") in view of U.S. Pat. No. 6,973,669 to Daniels in view of U.S. Pat. No. 5,027,400 to Baji et al. ("Baji") in view of U.S. Pat. App. Publ. No. 2002/0166120 of Boylan III et al. ("Boylan") in view of U.S. Pat. No. 6,496,857 to Dustin et al. ("Dustin");

Claims 2 and 18 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Baji, Boylan, Dustin and further in view of U.S. Pat. App. Publ. No. 2002/0019769 of Barritz et al. ("Barritz");

Claims 5, 14, 20, and 28 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Baji, Boylan, Dustin and further in view of U.S. Pat. App. Publ. No. 2003/0192060 of Levy;

Claims 15, 16, 21, 22, 29, and 30 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Baji, Boylan, Dustin and further in view of U.S. Pat. No. 6,285,818 to Suito et al. ("Suito"); and

Claim 32 was rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Baji, Boylan and Dustin

Applicants respectfully traverse these rejections.

Claim 8 is representative and recites, *inter alia*:

"... said information related to each of a plurality of commercial broadcast information being one selected from the group consisting of (a still image, text, and graphic) each displayed in a line at an upper portion of the display according to the second sequence, the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information, **the different still image, text, or graphic related to the selected commercial broadcast and indicating that the selected commercial broadcast information has been already reproduced**" (emphases added)

A still image, text, or graphic representing the commercial (CM) is represented in a line at the top of the display. After the CM is reproduced, the still image, text, or graphic is replaced with a different still image text or graphic.

The different still image, text, or graphic that replaces the existing still image, text, or graphic, is a display that indicates the selected CM has been reproduced. As described in the as-filed specification:

The designated commercial broadcast is read from the storage unit 3 (storage unit 13 in FIG. 2) and reproduced. Also, after the reproduction of this commercial broadcast, an image, text, or graphic indicating that this commercial broadcast has been already reproduced is displayed on the display screen of the reproduction unit.

Publ. App. par. [0101].

None of the cited references describe the claim, taken as a whole, to display commercial messages for selection and, after reproduction of the commercial message, to replace the still image, text, or graphic with another still image, text, or graphic that represents the selected commercial message and indicates that the selected commercial message has been reproduced.

The Office Action, at page 9, par. 2, concedes “Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. fail to disclose” the above-recited element of claim 8 and points to Dustin, col. 6:25-33 stating, “after the ad is displayed for a period of time that ad is replaced by a new ad.”

Applicants have amended to claim 8 the clarify that after the commercial message is reproduced, an image, text or graphic that is related to the reproduced commercial replaces the existing message and, thereby, serves as an indicator that the selected commercial message has been reproduced.

In Dustin, as understood by the description in the Office Action, one understands that a commercial has been reproduced because the commercial image has been replaced by a new commercial image. However, Dustin does not require that the new commercial image be related to the previous commercial.

In contrast, the present application is now distinguishable from Dustin because the new image, text, or graphic that is displayed after the commercial message is reproduced is an image, text, or graphic related to the commercial message that was reproduced, not a new commercial message.

Claim 8 is believed patentable over the cited references because taken alone or in combination those references do not disclose, teach, or render predictable each and every element recited in the claim.

For substantially the same reasons as discussed for claim 8, above, independent claims 17, 23, and 32 are also believed patentable.

### **III. DEPENDENT CLAIMS**

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed

to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

Claims 2-5, 8-30, and 32-36 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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